

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN SMITH, PLAINTIFF,

- Against -

N.Y.C Department Of Correction
N.Y.C.D.O.C Commissioner: Ponte,
D.O.C GRVC Chife Security: John doe,
D.O.C GRVC Warden: John & jane doe's,
D.O.C GRVC Deputy: John & jane doe's,
D.O.C GRVC Officers: John doe's
D.O.C GRVC Captains: John & jane does,
GRVC DEPUTY: Comron & Captain: Pain
along with Officer: Mc.quillar#18638
all in there Individally Capacity.

DEFENDANTS,

RECEIVED
S.D.N.Y. DOCKET UNIT

2017 AUG 11 AM 10:42 42 U.S.C § 1983

COMPLAINT

17CV 6104

STATEMENT OF FACTS

1. On may 26, 2017 at GRVC 15A housing area around 8AM an institutional search was conducted as 49 cell was chossen by C.O. Mcquillar#18638 who was showing four new recruiters how to strip search plaintiff SEAN SMITH#349-16-12645 who was in 49 cell at GRVC building 15A housing area.
2. Plaintiff SEAN SMITH felt violated by D.O.C policy along with officer Mc.quillar#18638 who was instructing plaintiff to undress infront of four new recruiters including Mc.quillar#18638 makes five officers watching plaintiff strip naked. Officer Mc.quillar#18638 instructed plaintiff to pass his underwears and squat as well spread his buttcheakes and cough.
3. Officer Mc. Quillar#18638 who was training the four new recruiters stated " this is how you search an inmate after they strip butt azz naked don't worry about there penis as you can see this inmate don't have a long penis "...All new recruiters laugh out loud as officer Mc.quillar#18638 start talking about plaintiff chest area stating " he got breast instead of a man chest ".

4. Plaintiff felt disrespected and violated by D.O.C officers who are new recruiters along with Mc. Quillar#18638 who had conducted the search on plaintiff as well degrading plaintiff in front of the new recruiters by talking about plaintiff body parts. Plaintiff was disrespected by officer Mc. Quillar#18638 who was training and teaching all four new recruiters officers how to violate inmates who are overweighted.
5. Plaintiff was told by officer Mc. Quillar#18638 to hurry up and get dressed as officer Mc. Quillar#18638 threw plaintiff underwear in his face and instructed plaintiff to strip his sheets off his mattress and come out with his mattress. Officer Mc. Quillar#18638 stated as new recruiters laugh at plaintiff who underwear was thrown in his face by officer#18638.
6. Plaintiff was taking the sheets off the mattress as one of the new recruiters stated " what do you do when they move slow?" Officer#18638 stated you want to see some quick pointers on how to take down a big Nigger as the new four recruiters agree with officer Mc. Quillar#18638.
7. Plaintiff was trying to come out of his cell with his mattress as all new recruiters along with officer#18638 surround plaintiff cell door which made it hard for plaintiff to exit as plaintiff was halfway out his cell officer Mc. Quillar#18638 pushed plaintiff mattress real hard.
8. Plaintiff has lost his balance off the push by the officer Mc. Quillar#18638 as plaintiff dropped his mattress and tried to grab on to the rail as plaintiff was hit in the right side of his head which plaintiff lost consciousness by the blow towards the head.
9. Plaintiff woke up on the floor with his hands cuffed to the rear as an officer John Doe had his weight along with his knee into plaintiff back. Plaintiff tried to lift his head when regaining his consciousness as officer John Doe who had his knee into plaintiff back slammed plaintiff face back into the concrete ground by placing his hand on the back of Mr. Smith's head & repeatedly slammed Smith's head into the floor causing Mr. Smith to lose consciousness again.

10. Plaintiff woke up to four large lumps on his fore head that cause plaintiff extrem pain and headache from the trauma he suffer towards the head. D.O.C didn't take plaintiff to hospital for a cat scan or an X-Ray for his back and neck.
11. Plaintiff was drag by two officers john doe's as plaintiff pants was blow his wast exposing plaintiff buttcheakes. A female officer ask the two exscorting officers john doe's to pull up plaintiff pants as Deputy Comron respond " leave his bitch ass out since he don't wanna respect my officers. "
12. Plaintiff was exscorted by the prob Team along with the two officers john doe's who was dragging plaintiff by the arms as plaintiff was handcuff to the rear. Deputy comron walk among the prob team and officers thr the facilty to the intake as plaintiff pants was down all the way as none of the officers respond towards plaintiff request for his pants to be pull up.
13. Plaintiff who felt humilated by the D.O.C officers who drag plaintiff by his arms as plaintiff pants fall and his private part was showing while being drag by his arms towards the GRVC main intake area as Deputy Comron told officers to leave my pants down as I was drag with my penis and buttcheakes out.
14. Plaintiff was held in the main intake area without any captain seeing him for an inmate statement as plaintiff was taking to the main clenic after two hour had past to see a doctor which plaintiff was given pain killer and ice packages for his fore head which had four serious large lumps as the doctor took photo's of plaintiff face and Deputy comron also taking picture of the use of force of her code worker's action that was done by the search officer along with exscorted officers.
15. Plaintiff was place in solutary confinement after receiving clinic treatment at GRVC facilty. As plaintiff was place in unit 11A 44 cell were I was served an infraction of assault charge 101.10 and refusal to obey a direct order charge 120.10 which plaintiff didn't under stand why he was being place in the box for things and charges he didn't do at all at GRVC facilty.

16. D.O.C officer Mc.quillar#18638 wrote in the infraction that plaintiff refuse drict order but in the infraction it didn't state what or any direct order plaintiff have refuse or have been giving out by D.O.C officer Mc.quillar#18638 who stated plaintiff disobey an direct order along with fighting.
17. On June 2, 2017 plaintiff was call for an hearing which plaintiff plead not guilty and requested that the hearing captain that was conducting the hearing to review the camers in the 15A housing area along with the search team camers that will show plaintiff wasn't fighting or throw his mattress at any officers at any time as officer#18638 stated on his infraction.
18. On June 5, 2017 which the hearing captain didn't review the camers as the hearing captain told plaintiff to wait for a decision in the mail about my hearing verdict wither plaintiff is guilty or Innocent. As plaintiff didn't received a decision until 11 days later which was 6/17/17 plaintiff received a copy of the decision from captain pain who is the stady of 11A unit found plaintiff guilty of all charges .
19. Video which show clary that Mc.quillar#18638 wrote an totally different view from the incident that happen on 5/26/16 on the search. Even when the video that was view by the housing area captain which show clearly plaintiff haven't violated any of D.O.C rules as well was a victim of " UOF " as captain still found plaintiff guilty of all charges which video camer show's plaintiff wasn't refusing a direct order as well fighting an officer on the search at 15A GRVC facilty.
20. Plaintiff was giving 25 days in solutary confinement were ILLEGAL activerty took place by the GRVC box officers who gave out plaintiff pin number so he can't make any phone calls in the solutary confinement in the box. Plaintiff money was deducted by a large amount as other inmate was using plaintiff phone calls. As property was stolen & a large amount of money was deducted from Plaintiff account without any proper cause as plaintiff never shop or use the the phone for over two either 1/2 weeks.at GRVC solutary confinement in the box of GRVC facilty.

21. Mr. Smith was being discharge from the GRVC solitary confinement box as none of plaintiff property was in the locker area that detainee will place there property before going into an cell box. GRVC officers at the box area couldn't help plaintiff along didn't give plaintiff any inmate statement sheet to or grievance sheet.
22. Plaintiff was missing valuble property of photo's and legal paper work of program and discharge from court cases as well court plea bargain which was a plea offer for an out side program that will help plaintiff get housing along with drug treatment with assisstance with schooling.
23. Plaintiff commissary along with his books and legal paper work and photo's of his love ones are missing without any trance from the GRVC box intake area. Defendants of the D.O.C GRVC box intake plaintiff to another facilty of AMKC without Plaintiff property or an inmate grievance sheet to report the incident of plaintiff property being missing from GRVC box.
24. Plaintiff was place in a high classification housing area which are gangmembers and SRG which are a security case. Plaintiff who isn't a gangmember and is not an security case is place in a cell housing area that is a health problem towards plaintiff as plaintiff is heat sensertive.
25. Plaintiff who suffer from high blood pressure and asma as D.O.C GRVC housing are had central A.C in the building 15A as well the GRVC box had central A.C. as the defendant had violated plaintiff medical condiction by place plaintiff in a facilty that don't have central A.C which is an high classiffication housing area which is an SRG area.
26. Plaintiff went to AMKC medical sick call as the doctor's choss not to take the plaintiff complaint serious as it states on the computers that plaintiff have a heat sensertive pass as well is an asma person as AMKC refuse to supply the proper treatment at the facilty as the doctor show improper treatment as plaintiff suffer high blood pressure as well force to stay in an cell housing area that don't provid central A.C.

CLAIMS OF RELIEF

27. Plaintiff incorporate paragraph 1-26 as it is fully set forth herein. Plaintiff was deprived proper medical treatment as excessive force was use on plaintiff on 5/26/16 at GRVC facilty housing area 15A as plaintiff was place in solutary confinement on the same day which is call " PHD " for false statement that was made by the searching officers#18638.
28. Plaintiff who was use as an ginny pig by the D.O.C officer Mc. Quillar#18638 from GRVC facilty who was training four new recruiters on how to strip search plaintiff at 15A GRVC facilty on May 26, 2016 as defendant degraded plaintiff by trowing his underwear in plaintiff face and insulting plaintiff by talking about plaintiff body parts as plaintiff was naked and being search.
29. Plaintiff suffer truma blow towards the right side of his head by officers john doe's who was conducting the strip search as Mc.quillar#18638 states on the infraction of USE OF FORCE on plaintiff who stumble out as officer Mc.quillar#18638 push plaintiff mattress from his hand which cause plaintiff to drop his mattress as an officer along with Mc.quillar have apply excessive use of force on plaintiff who was struck in the head.
30. Plaintiff is suing commissioner joseph pont and his cheif security along with deputy:comron, Captain:pain warden john & jand doe and officer:Mc.quillar#18638 all john & jane doe's in there individual capacity under 42 U.S.C § 1983 for felon to provid Care, Custody, Control at D.O.C of New York. Plaintiff asked for FIVE HUNDRED THOUSAND U.S. DOLLARS and for punitive damages plaintiff asked TWENTY FIVE HUNDRED U.S. DOLLARS a day.
31. Plaintiff is sueing New York D.O.C in it's official capacity for failure to train employees. And for hiring chief security wardens, deputys, captains, & officers that have violated and deprived plaintiff of medical as " USE OF FORCE " was conducted as plaintiff was place in the solutary confinement which infringe his 1,2,4,5,6,8,14 Amendment to be free from excessive force being use.

Please award SEAN SMITH compensatory damages which unto this day on plaintiff suffering from excessive force being conductive by the GRVC D.O.C search officer's. As plaintiff was struck a blow towards the right side of plaintiff head as plaintiff suffer from truma pain & headache as well nerves damages from handcuff from being place to tight why plaintiff was drag down the hall with his private part being expose since defendants didn't want to pull plaintiff pants up. Plaintiff ask in an amount to be proven or trial against defendants of GRVC of D.O.C as the city of New York, jointly and severally, on each of his state and Federal cause of action, and punitive damages individually and officially against each of the defendants from paragraphs 1-26 as fully set forth along with all the N.Y.C.D.O.C warden john & jane doe's along with Deputy's Comron and Captain pain and chife security john & jane doe's along with officer Mc.quillar#18638 and john & jane doe's officers all. Foe each defendants have infringe plaintiff Federal Constitutional Rights of United States of America.

WHEREFORE, Sean Smith prays for judgement and damages in his favor against all defendants in an amount sufficient to compensate him for the pain and medical anguish suffered by the defendants. Due to deliberate indifference and intentional misconduct of defendants, but in no event less than \$500,000 U.S. Dollars together with his court fees, and medical costs relief as the Court may deem just & proper.